

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: **Parks Department - Quality Of Life**
AGENDA DATE: **April 15, 2005**
CONTACT PERSON/PHONE: **Juan Contreras – P+3** **915-225-3445**
DISTRICT(S) AFFECTED: **7**

SUBJECT:

That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement to the El Paso Electric Company on Lot 1, Block 29, Vista Del Sol, Unit 3, El Paso County, Texas to provide electrical service to Vista Del Sol Park.

BACKGROUND / DISCUSSION:

Electrical easement is required for the El Paso Electric Company to provide power to the Vista Del Sol Park.

PRIOR COUNCIL ACTION:

None.

AMOUNT AND SOURCE OF FUNDING:

No change in funding from the 2000 Quality Of Life Bond Program.

BOARD / COMMISSION ACTION:

None.

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Underground Electrical Easement to the El Paso Electric Company on Lot 1, Block 29, Vista Del Sol Unit 3, El Paso, Texas to provide electrical service to Vista Del Sol Park.

ADOPTED THIS ____ DAY OF _____, 2005.

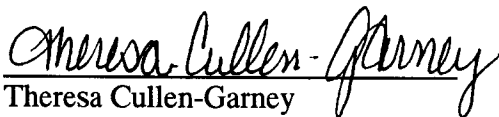
THE CITY OF EL PASO

Joe Wardy
Mayor

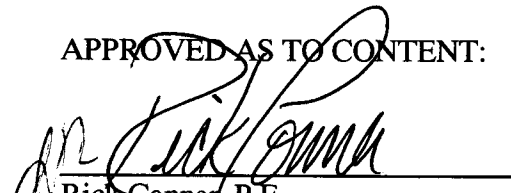
ATTEST:

Richarda Duffy Momsen
City Clerk


APPROVED AS TO FORM:


Theresa Cullen-Garney
Deputy City Attorney

APPROVED AS TO CONTENT:


Rick Conner, P.E.
City Engineer

APPROVED AS TO CONTENT:


Perspectiva+3D/I
Project Manager

THE STATE OF TEXAS §
 §
COUNTY OF EL PASO §

UNDERGROUND ELECTRICAL EASEMENT

For and in consideration of the sum of One Dollar and No/100 (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the City of El Paso (Grantor) grants unto El Paso Electric Company (Grantee), its successors and assigns, the right and privilege to enter and erect, construct, operate, remove, inspect, access, and maintain an underground electric system consisting of transformers (conventional or pad mount), ducts, conduits, fixtures, manholes, handholes, vaults, and any other usual appurtenances pertaining thereto, and an underground crossing with all necessary cables, lines, conduit, wires pertaining thereto, with the right of access, ingress, and egress thereto, for the installation, operation, inspection, repair, maintenance, replacement, renewal or removal thereof, for the distribution of electricity, for any and all purposes for which same is or may hereafter be used, over, upon, and along the following described premises in El Paso County, Texas, to wit:

A portion of Lot 1, Block 29, Vista Del Sol Unit 3, El Paso El Paso County, Texas, more particularly set forth on Attachment "A" attached hereto and incorporated herein for all purposes.

With the right to trim any trees and flora around said electrical facilities so as to keep the electrical facilities cleared and to do anything proper and necessary to operate and maintain same.

This easement shall be for the term of the Grantee's franchise and any extension and renewal thereof by the Grantor. In accepting this easement, the Grantee agrees that upon written and reasonable request it will relocate any of its facilities located within the easement at no cost to the Grantor.

In accepting this grant, Grantee agrees that it will replace or repair, as reasonable, landscaping and paving if disturbed by Grantee's construction, maintenance or repairs of or to its facilities in and upon such easement.

Grantor reserves the right to full use and enjoyment of said property except for the purposes herein granted. Grantee agrees not to interfere with any structure or tangible personal property of Grantor within the easement. Grantor agrees not to erect permanent structures on or over Grantee's underground facilities.

Grantor will not be held responsible for any damage to underground facility from excessive erosion due to flood run-off.

Should Grantee abandon the easement, then the easement hereinabove described shall revert to Grantor or its successors and assigns. Such abandonment shall be conclusively presumed following non-use by the Grantee for one year and with use not being resumed within sixty (60) days following receipt of notice of abandonment from Grantor to Grantee, and on such

abandonment, Grantee will then execute any and all necessary documents to evidence such abandonment.


Grantee shall maintain the surface over the length and width of the easement to the satisfaction, as reasonable, of Grantor and in accordance with applicable City Code provisions.

WITNESS THE FOLLOWING SIGNATURES AND SEAL this _____ day of _____ 2005.

**GRANTOR:
THE CITY OF EL PASO**

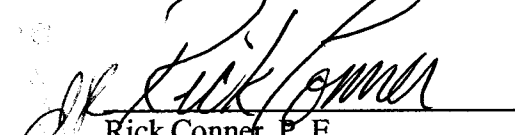
Joyce A. Wilson, City Manager

APPROVED AS TO FORM:



Theresa Cullen-Garney
Deputy City Attorney

APPROVED AS TO CONTENT:



Rick Connet, P. E.
City Engineer

APPROVED AS TO CONTENT:

Perspectiva+3D/I
Project Manager

ACKNOWLEDGMENT

THE STATE OF TEXAS §
§
COUNTY OF EL PASO §

This instrument was acknowledged before me on the _____ day of _____, 2005, by Joyce A. Wilson, as City Manager of the City of El Paso.

Notary Public, State of Texas

The above instrument, together with all conditions thereto is hereby accepted this

15th day of April, 2005.

GRANTEE:
EL PASO ELECTRIC COMPANY

By: Kerry B. Lore

Printed Name: Kerry B. Lore

Title: Vice President - Administration

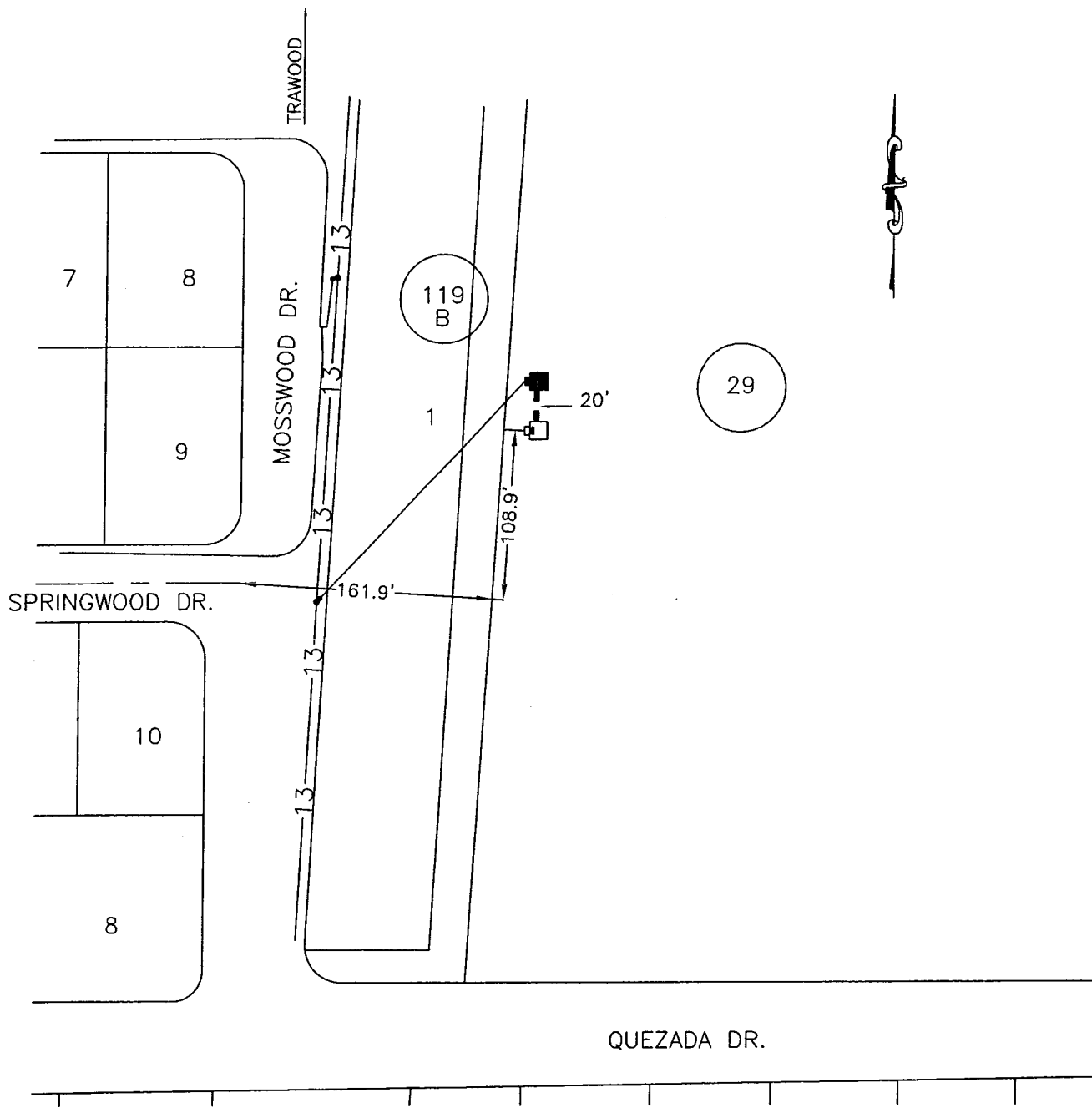
ACKNOWLEDGMENT

STATE OF TEXAS §
§
COUNTY OF EL PASO §

This instrument was acknowledged before me on the 15th day of April, 2005 by Kerry B. Lore as Vice President - Administration of El Paso Electric Company, on behalf of the El Paso Electric Company, a Texas corporation.



Andrea Pera
Notary Public, State of Texas



LEGEND

--- PROPOSED E.P.E. CO. 10 FT. UTIL. ESMT.

 12' X 16' TRANSFORMER EASEMENT

GRANTORS INITIALS _____

Return to:
El Paso Electric Co.
P.O. Box 982-Loc 501
El Paso, TX. 79960

PROPOSED EASEMENT IN A PORTION OF
LOT 1, BLOCK 29
VISTA DEL SOL UNIT 3
EL PASO COUNTY, TEXAS

EL PASO ELECTRIC CO. R.O.W.

DATE 03/10/05

EST. NO.

SCALE NONE

05-7-1-70045

Attachment "A"